State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 01-013
September 19, 2001

Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Trash in the Los Angeles River Watershed

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The Federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality objectives which are sufficient to protect beneficial uses for each water body found within its region.

2. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999. This court order directs the USEPA to complete Total Maximum Daily Loads (TMDLs) for all impaired waters within 13 years. A schedule was established in the consent decree for the completion of the first 29 TMDLs within 7 years. The remaining TMDLs will be scheduled by Regional Board staff within the 13-year period.

3. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (Report No. EPA/440/4-91/001). A TMDL is defined as the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2). Regulations further stipulate that TMDLs must be set at levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality (40 CFR 130.7(c)(1)). The regulations in 40 CFR 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.

4. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs along with appropriate implementation measures into the State Water Quality Management Plan (40 CFR 130.6(c)(1), 130.7). This Water Quality Control Plan for the Los Angeles Region (Basin Plan), and applicable statewide plans, serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.

5. The Los Angeles River is located in Los Angeles County, California. The Los Angeles River flows 51 miles from the western end of the San Fernando Valley to the Queensway Bay and Pacific Ocean at Long Beach. Also part of the watershed are a number of lakes including Peck Lake, Echo Lake, and Lincoln Lake.

6. On January 25, 2001, the Regional Board adopted a Basin Plan Amendment (Resolution 01-006) incorporating the Los Angeles River Trash TMDL into the Water Quality Control Plan (Basin Plan) for the Coastal Watersheds of Los Angeles and Ventura Counties. Notice of the hearing was not published by the Regional Board in a newspaper of general circulation.

7. Staff have proposed changes to the January 25, 2001 trash TMDL to provide clarifying language and greater flexibility in the TMDL implementation.

8. On September 19, 2001, prior to the Board's action on this resolution, a public hearing was conducted. Notice of the hearing was published in accordance with the requirements of Water Code section 13244. The first notice was published in the Los Angeles Times, on June 19, 20, and 21, 2001, for a September 13, hearing. This hearing was rescheduled for September 19, 2000 and notice of this change was published in the Los Angeles Times on September 6, 2001. The entire administrative record, including transcripts from the January 25, 2001, public hearing have been entered into the record considered for this resolution.

9. The Regional Board has reconsidered its action of January 25, 2001. This resolution supercedes Resolution 01-006.

10. The public has had reasonable opportunity to participate in review of the amendment to the Basin Plan. Efforts to solicit public review and comment include release of a preliminary draft Trash TMDL on March 17, 2000, a public hearing on January 25, 2001, and a public hearing on September 19, 2001, seven public workshops, meetings with every stakeholder who requested such (ten meetings), and responses from the Regional Board staff to oral and written comments received from the public.

11. In amending the Basin Plan, the Regional Board considered the factors set forth in sections 13240 and 13241 of the Water Code.

12. The amendment is consistent with the State Anti-degradation Policy (State Board Resolution No. 69-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Anti-degradation Policy (40 CFR 131.12).

13. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code section 21000 et seq.).

14. Revision of water quality objectives for trash is subject to approval by the State Water Resources Control Board, the State Office of Administrative Law, and the US Environmental Protection Agency.

THEREFORE, be it resolved that pursuant to sections 13240 and 13241 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

1. Amend Chapter 3 and Chapter 7 of the Los Angeles Region Water Quality Control Plan to incorporate the elements of the Los Angeles River Trash TMDL as described in Attachment A attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED this Resolution supercedes Resolution 01-006.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on September19, 2001.

Original signed by

_____

Dennis A. Dickerson
Executive Officer

Attachment A to Resolution No. 01-013

Amendments

to the

Water Quality Control Plan – Los Angeles Region

for the

Los Angeles River Trash TMDL

Amendments:

Table of Contents
Add:

Chapter 7. Total Maximum Daily Loads (TMDLs) Summaries
Los Angeles River Trash TMDL*

List of Figures, Tables and Inserts
Add:

Chapter 7. Total Maximum Daily Loads (TMDLs)
Tables
7-2 Los Angeles River Trash TMDL
7-2.1. Los Angeles River Trash TMDL Elements
7-2.2. Los Angeles River Trash TMDL Implementation Schedule
7-2.3. Los Angeles River Trash TMDL Significant Dates

Chapter 3. Water Quality Objectives
Regional Objectives for Inland Surface Waters
Floating Material 3-9
A fourth paragraph will be added under Floating Material referencing specific guidelines for the Los Angeles River. Additional narrative to read: "See additional regulatory guidelines described under the Los Angeles River Trash Total Maximum Daily Load (Chapter 7)."
Solid, Suspended, or Settleable Materials 3-16
A fourth paragraph will be added under Solid, Suspended, or Settleable Materials referencing specific guidelines for the Los Angeles River. Additional narrative to read: "See additional regulatory guidelines described under the Los Angeles River Trash Total Maximum Daily Load (Chapter 7)."

Chapter 7. Total Maximum Daily Loads (TMDLs) Summaries
Los Angeles River Trash TMDL*

This TMDL was adopted by:

The Regional Water Quality Control Board on September 19, 2001.
The State Water Resources Control Board on [Insert Date].
The Office of Administrative Law on [Insert Date].
The U.S. Environmental Protection Agency on [Insert Date].

The following table summarizes the key elements of this TMDL.

Table 7-2.1 Los Angeles River: Trash TMDL Elements

Element	Derivation of Numbers
Problem Statement	Trash in the Los Angeles River is causing impairment of beneficial uses. The following designated beneficial uses are impacted by trash: water contact recreation (REC1); non-contact water recreation (REC2); warm freshwater habitat (WARM); wildlife habitat (WILD), estuarine habitat (EST); marine habitat (MAR); rare and threatened or endangered species (RARE); migration of aquatic organisms (MIGR); spawning, reproduction and early development of fish (SPWN); commercial and sport fishing (COMM); shellfish harvesting (SHELL); wetland habitat (WET); and cold freshwater habitat (COLD).
Numeric Target *(interpretation of the narrative water quality objective, used to calculate the load allocations)*	Zero trash in the river.
Source Analysis	Stormwater discharge is the major source of trash in the river.
Loading Capacity	Zero.
Load Allocations	Phased reduction for a period of 10 years, from existing baseline load to zero (0).
Implementation	This TMDL will be implemented through stormwater permits and via the authority vested in the Executive Officer by section 13267 of the Porter-Cologne Water Quality Control Act: (Water Code section 13000 et seq.).
Margin of Safety	"Zero discharge" is a conservative standard which contains an implicit margin of safety.
Seasonal Variations and Critical Conditions	Discharge of trash from the storm drain occurs primarily during or shortly after a rain event of greater than 0.25 inches.

*The complete administrative record for the TMDL is available for review upon request.

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 01-014
September 19, 2001

Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Trash in the Ballona Creek and Wetland.

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The Federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality objectives which are sufficient to protect beneficial uses for each water body found within its region.

2. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999. This court order directs the USEPA to complete Total Maximum Daily Loads (TMDLs) for all impaired waters within 13 years. A schedule was established in the consent decree for the completion of the first 29 TMDLs within 7 years. The remaining TMDLs will be scheduled by Regional Board staff within the 13-year period.

3. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (Report No. EPA/440/4-91/001). A TMDL is defined as the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2). Regulations further stipulate that TMDLs must be set at levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality (40 CFR 130.7(c)(1)). The regulations in 40 CFR 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.

4. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs along with appropriate implementation measures into the State Water Quality Management Plan (40 CFR 130.6(c)(1), 130.7). This Water Quality Control Plan for the Los Angeles Region (Basin Plan), and applicable statewide plans, serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.

5. Ballona Creek is located in Los Angeles County, California. Ballona Creek flows slightly over 10 miles from the City of Los Angeles, through Culver City, reaching the ocean at Playa del Rey. Adjacent to the downstream channel of Ballona Creek are the Marina del Rey Harbor, Ballona Lagoon, Venice Canals, Del Rey Lagoon, and Ballona Wetlands.

6. On January 25, 2001, the Regional Board adopted a Basin Plan Amendment (Resolution 01-006) incorporating the Los Angeles River Trash TMDL into the Water Quality Control Plan (Basin Plan) for the Coastal Watersheds of Los Angeles and Ventura Counties.

7. Staff have since proposed changes to the January 25, 2001 Los Angeles River Trash TMDL to provide clarifying language and greater flexibility in the TMDL implementation. The Los Angeles River Trash TMDL is to be used as a template for the Ballona Creek Trash TMDL.

8. On September19, 2001, prior to the Board's action on this resolution, public hearings were conducted on the Los Angeles River Trash TMDL and the Ballona Creek Trash TMDL. Notice of the hearing for the Ballona Creek Trash TMDL was published in accordance with the requirements of Water Code section 13244. The first notice was published in the Los Angeles Times on June 21, 22, and 23, 2001, for a September 13, hearing. This hearing was rescheduled for September 19, 2001 and notice of this change was published in the Los Angeles Times on September 6, 2001.

9. The entire administrative record, from the Los Angeles River Trash TMDL, including the transcripts from the January 25, 2001 and September 19, 2001 public hearings, has been incorporated into the administrative record by reference for the Ballona Creek Trash TMDL to be considered for this resolution.

10. The public has had reasonable opportunity to participate in review of the amendment to the Basin Plan. Efforts to solicit public review and comment include release of a preliminary draft of the Los Angeles River Trash TMDL on March 17, 2000, seven public workshops, meetings with every stakeholder who requested such (ten meetings), initial adoption of the Los Angeles River Trash TMDL on January 25, 2001, release of the initial Ballona Creek Trash TMDL on March 9, 2001, a public hearing on September 19, 2001, and responses from the Regional Board staff to oral and written comments received from the public.

11. In amending the Basin Plan, the Regional Board considered the factors set forth in sections 13240 and 13241 of the Water Code.

12. The amendment is consistent with the State Anti-degradation Policy (State Board Resolution No. 69-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Anti-degradation Policy (40 CFR 131.12).

13. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code section 21000 et seq.).

14. Revision of water quality objectives for trash is subject to approval by the State Water Resources Control Board, the State Office of Administrative Law, and the US Environmental Protection Agency.

THEREFORE, be it resolved that pursuant to sections 13240 and 13241 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

1. Amend Chapter 3 and Chapter 7 of the Los Angeles Region Water Quality Control Plan to incorporate the elements of the Ballona Creek Trash TMDL as described in Attachment A attached hereto and incorporated herein by this reference.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on September 19, 2001.

Original signed by

Dennis A. Dickerson
Executive Officer

Attachment A to Resolution No. 01-014

Amendments

to the

Water Quality Control Plan – Los Angeles Region

for the

Ballona Creek Trash TMDL

Amendments:

Table of Contents
Add:

Chapter 7. Total Maximum Daily Loads (TMDLs) Summaries
Ballona Creek Trash TMDL*

List of Figures, Tables and Inserts
Add:

Chapter 7. Total Maximum Daily Loads (TMDLs)
Tables
7-3 Ballona Creek Trash TMDL
7-3.1. Ballona Creek Trash TMDL Elements
7-3.2. Ballona Creek Trash TMDL Implementation Schedule
7-3.3. Ballona Creek Trash TMDL Significant Dates

Chapter 3. Water Quality Objectives
Regional Objectives for Inland Surface Waters
Floating Material 3-9
A fifth paragraph will be added under Floating Material referencing specific guidelines for Ballona Creek. Additional narrative to read: "See additional regulatory guidelines described under the Ballona Creek Trash Total Maximum Daily Load (Chapter 7)."
Solid, Suspended, or Settleable Materials 3-16
A fifth paragraph will be added under Solid, Suspended, or Settleable Materials referencing specific guidelines for the Ballona Creek. Additional narrative to read: "See additional regulatory guidelines described under the Ballona Creek Trash Total Maximum Daily Load (Chapter 7)."

Chapter 7. Total Maximum Daily Loads (TMDLs) Summaries
Ballona Creek Trash TMDL*

This TMDL was adopted by:

The Regional Water Quality Control Board on September 19, 2001.
The State Water Resources Control Board on [Insert Date].
The Office of Administrative Law on [Insert Date].
The U.S. Environmental Protection Agency on [Insert Date].

The following table summarizes the key elements of this TMDL.

Table 7-3.1 Ballona Creek: Trash TMDL Elements

Element	Derivation of Numbers
Problem Statement	Trash in Ballona Creek is causing impairment of beneficial uses. The following designated beneficial uses are impacted by trash: water contact recreation (REC1); non-contact water recreation (REC2); warm freshwater habitat (WARM); wildlife habitat (WILD), estuarine habitat (EST); marine habitat (MAR); rare and threatened or endangered species (RARE); migration of aquatic organisms (MIGR); spawning, reproduction and early development of fish (SPWN); commercial and sport fishing (COMM); shellfish harvesting (SHELL); wetland habitat (WET); and cold freshwater habitat (COLD).
Numeric Target *(interpretation of the narrative water quality objective, used to calculate the load allocations)*	Zero trash in the creek and wetland.
Source Analysis	Stormwater discharge is the major source of trash in the creek.
Loading Capacity	Zero.
Waste Load, Allocations	Phased reduction for a period of 10 years, from existing baseline load to zero.
Implementation	This TMDL will be implemented through stormwater permits and via the authority vested in the Executive Officer by section13267 of the Porter-Cologne Water Quality Control Act: Water Code section 13000 et seq.).
Margin of Safety	"Zero discharge" is a conservative standard which contains an implicit margin of safety.
Seasonal Variations and Critical Conditions	Discharge of trash from the storm drain occurs primarily during or shortly after a rain event of greater than 0.25 inches.

*The complete administrative record for the TMDL is available for review upon request.

Table 7-3.2 Ballona Creek Trash TMDL: Implementation Schedule.

(Default waste load allocations expressed as cubic feet of uncompressed trash and % reduction.)

Year	Baseline Monitoring/ Implementation	Waste Load Allocation	Compliance Point
1 10/1/01-- 9/30/02	Baseline Monitoring	No allocation specified. Trash will be reduced by levels collected during the baseline monitoring program.	Achieved through timely compliance with baseline monitoring program.
2 10/1/02-- 9/30/03	Baseline Monitoring	No allocation specified. Trash will be reduced by levels collected during the baseline monitoring program.	Achieved through timely compliance with baseline monitoring program.
3 10/1/03-- 9/30/04	Baseline Monitoring (optional)/ Implementation: Year 1	90% (9,985 for the Municipal permittees, 1,472 for Caltrans)	No compliance point (target of 90%)
4 10/1/04-- 9/30/05	Baseline Monitoring (optional)/ Implementation: Year 2	80% (8,875 for the Municipal permittees, 1,308 for Caltrans)	No compliance point (target of 80%)
5 10/1/05-- 9/30/06	Implementation: Year 3	70% (7,776 for the Municipal permittees; 1,146 for Caltrans)	Compliance is 80% of the baseline load calculated as a rolling 3-year annual average (8,875 for the Municipal permittees; 1,308 for Caltrans).
6 10/1/06-- 9/30/07	Implementation: Year 4	60% (6,656 for the Municipal permittees; 981 for Caltrans)	70% of the baseline load the baseline load calculated as a rolling 3-year annual average (7,776 for the Municipal permittees; 1,146 for Caltrans).
7 10/1/07-- 9/30/08	Implementation: Year 5[1]	50% (5,547 for the Municipal permittees; 818 for Caltrans)	60% of the baseline load calculated as a rolling 3-year annual average (6,656 for the Municipal permittees; 981 for Caltrans)
8 10/1/08-- 9/30/09	Implementation: Year 6	40% (4,438 for the Municipal permittees; 654 for Caltrans)	50% of the baseline load calculated as a rolling 3-year annual average (5,547 for the Municipal permittees; 818 for Caltrans).
9 10/1/09-- 9/30/10	Implementation: Year 7	30% (3,328 for the Municipal permittees; 491 for Caltrans)	40% of the baseline load calculated as a rolling 3-year annual average (4,438 for the Municipal permittees; 654 for Caltrans).
10 10/1/10-- 9/30/11	Implementation: Year 8	20% (2,218 for the Municipal permittees; 327 for Caltrans).	30% of the baseline load calculated as a rolling 3-year annual average (3,328 for the Municipal permittees; 491 for Caltrans).
11 10/1/11-- 9/30/12	Implementation: Year 9	10% (1,110 for the Municipal permittees; 164 for Caltrans).	20% of the baseline load calculated as a rolling 3-year annual average (2,220 for the Municipal permittees; 327 for Caltrans).
12 10/1/12-- 9/30/13	Implementation: Year 10	0 or 0 % of the baseline load.	10% of the baseline load calculated as a rolling 3-year annual average (1,110 for the Municipal permittees; 164 for Caltrans.
13 10/1/13-- 9/30/14	Implementation: Year 11	0 or 0 % of the baseline load.	3.3 % of the baseline load calculated as a rolling 3-year annual average (366 for the Municipal permittees, 54 for Caltrans).
14 10/1/14-- 9/30/15	Implementation: Year 12	0 or 0 % of the baseline.	0 or 0 % of the baseline load.

[1] A review of the current target will be allowed once a reduction of 50% has been achieved and sustained.

Table7-3.3. Ballona Creek Trash TMDL: Significant Dates.

30 days after receipt of the Executive Officer's request as authorized by Section 13267 of the Water Code.	Submit baseline monitoring plan(s).
120 days after receipt of the Executive Officer's request as authorized by Section 13267 of the Water Code.	List of facilities that are outside of the permittee's jurisdiction but drain to a portion of the permittee's storm drain system, which discharges to Ballona Creek.
Within the first 2 years after approval of this basin plan amendment; to be extended to 4 years at the option of the permittees	Collection of baseline data.
72 hours after each rain event	Clean out of and measurement of trash retained.
Every 3 months during dry weather	Clean out of and measurement of trash retained.

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 01-018
October 25, 2001

Amendment to the *Water Quality Control Plan for the Los Angeles Region* to Update the Bacteria Objectives for Water Bodies Designated for Water Contact Recreation

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The Federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality objectives which are sufficient to protect beneficial uses designated for each water body found within its region.

2. The proposed amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) was developed in accordance with section 13241 of the Porter-Cologne Water Quality Control Act (California Water Code, Division 1, Chapter 4, Article 3).

3. The current Basin Plan contains total and fecal coliform bacteria objectives to protect waters designated for water contact recreation based on recommendations made by the U.S. EPA in 1976.

4. The amendment proposed for adoption into the Basin Plan will update the current bacteria objectives for waters designated for water contact recreation to include objectives for enterococcus, the ratio of fecal-to-total coliforms, and e. coli in addition to objectives for total and fecal coliform.

5. The amendment will revise Chapter 3 "Water Quality Objectives" of the Basin Plan.

6. The proposed amendment is based on more recent epidemiological studies and research on the most appropriate bacterial indicators.

7. Specifically, in 1983 and 1984, additional epidemiological studies were conducted by the U.S. EPA to determine the most appropriate bacterial indicators and corresponding objectives for waters designated for water contact recreation.

8. Based on these epidemiological studies, in 1986 the U.S. EPA revised its recommended bacteria criteria for waters designated for water contact recreation to include enterococcus for marine waters and enterococcus or e. coli for fresh waters.

9. In 1995, the Santa Monica Bay Restoration Project sponsored a local epidemiological study to determine the most appropriate bacterial indicators and corresponding objectives for marine waters designated for water contact recreation.

10. Based on the Santa Monica Bay epidemiological study and other national studies, the California State Legislature passed a law (Assembly Bill 411 (1997)) requiring the California Department of Health Services (Department) to establish minimum protective bacterial standards for waters adjacent to beaches, which include standards for total coliform, fecal

coliform, and enterococci bacteria, or for other microbiological indicators that the Department determines are appropriate.

11. The Department adopted regulations in 1999 that establish minimum protective bacterial standards for waters adjacent to beaches, including objectives for total coliform, fecal coliform and enterococcus as well as an objective for the ratio of fecal-to-total coliforms.

12. In March 1999, the U.S. EPA made a commitment in its *Action Plan for Beaches and Recreational Waters* that "where a State does not amend its water quality standards to include the 1986 criteria, EPA will act under Section 303(c) of the Clean Water Act to promulgate the criteria with the goal of assuring that the 1986 criteria apply in all states no later than 2003."

13. The U.S. EPA's 1986 bacteria criteria and the bacteria standards contained in the California Code of Regulations, title 17, section 7958 represent the best science available.

14. The Regional Board has considered the costs of implementing the amendment, and finds these costs to be a reasonable burden relative to the environmental benefits.

15. The proposed amendment results in no potential for adverse effect, either individually or cumulatively, on wildlife.

16. The regulatory action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).

17. The amendment is consistent with the State Antidegradation Policy (State Water Resources Control Board (SWRCB) Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).

18. The basin planning process has been certified as 'functionally equivalent' to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.).

19. Regional Board staff has prepared a staff report dated July 31, 2001, describing the proposed amendment, and sent the staff report to all known interested persons to allow a 45-day public comment period in advance of the public hearing.

20. The Regional Board held a public hearing on October 25, 2001, for the purpose of receiving testimony on the proposed Basin Plan amendment. Notice of the public hearing was sent to all interested persons and published in accordance with California Water Code, section 13244.

21. The Basin Plan amendment must be submitted for review and approval by the SWRCB, Office of Administrative Law (OAL), and U.S. EPA. Once approved by the SWRCB, the amendment is submitted to OAL and U.S. EPA. The Basin Plan amendment will become effective upon approval by OAL and U.S. EPA. A Notice of Decision will be filed.

THEREFORE, be it resolved that

1. Pursuant to sections 13240 and 13241 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to the Water Quality Control Plan for the Los Angeles Region as set forth in the attachment.

2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirements of section 13245 of the California Water Code.

3. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the U.S. EPA.

4. If during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.

5. The Executive Officer is authorized to sign a Certificate of Fee Exemption.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on October 25, 2001.

Dennis A. Dickerson
Executive Officer

October 25, 2001
Date

ATTACHMENT

In Chapter 3 "Water Quality Objectives" of the Basin Plan, replace Paragraph 2 under "*Bacteria, Coliform*" on p. 3-3 with the following:

In Marine Waters Designated for Water Contact Recreation (REC-1)

1. Geometric Mean Limits

a. Total coliform density shall not exceed 1,000/100 ml.
b. Fecal coliform density shall not exceed 200/100 ml.
c. Enterococcus density shall not exceed 35/100 ml.

2. Single Sample Limits

a. Total coliform density shall not exceed 10,000/100 ml.
b. Fecal coliform density shall not exceed 400/100 ml.
c. Enterococcus density shall not exceed 104/100 ml.
d. Total coliform density shall not exceed 1,000/100 ml, if the ratio of fecal-to-total coliform exceeds 0.1.

In Fresh Waters Designated for Water Contact Recreation (REC-1)

1. Geometric Mean Limits

a. E. coli density shall not exceed 126/100 ml.
b. Fecal coliform density shall not exceed 200/100 ml.

2. Single Sample Limits

a. E. coli density shall not exceed 235/100 ml.
b. Fecal coliform density shall not exceed 400/100 ml.

Implementation Provisions for Water Contact Recreation Bacteria Objectives

The geometric mean values should be calculated based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period).

If any of the single sample limits are exceeded, the Regional Board may require repeat sampling on a daily basis until the sample falls below the single sample limit in order to determine the persistence of the exceedance.

When repeat sampling is required because of an exceedance of any one single sample limit, values from all samples collected during that 30-day period will be used to calculate the geometric mean.

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 2002-011
April 25, 2002

Amendment to the *Water Quality Control Plan for the Los Angeles Region* to Update the Ammonia Objectives for Inland Surface Waters (including enclosed bays, estuaries and wetlands) with Beneficial Use designations for protection of "Aquatic Life"

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality objectives which are sufficient to protect beneficial uses designated for each water body found within its region.

2. The proposed amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) was developed in accordance with section 13241 of the Porter-Cologne Water Quality Control Act (California Water Code, Division 7, Chapter 4, Article 3).

3. The current Basin Plan contains ammonia objectives to protect inland surface waters supporting aquatic life. These objectives are based on U.S. EPA criteria adopted in 1984.

4. The amendment proposed for adoption into the Basin Plan will update the current ammonia objectives for inland surface waters, with the exception of enclosed bays and estuaries *not* characteristic of freshwater as described in the amendment, supporting aquatic life to include:
   (A) Greater recognition of the temperature dependence of the chronic objective, especially at low temperatures.
   (B) An Early Life Stage (ELS) chronic objective.
   (C) A 30-day averaging period for the chronic objective instead of a 4-day averaging period.

   In addition:
   (A) The acute objective is no longer temperature dependent.
   (B) The chronic objective is no longer dependent on the fish species present.

5. For enclosed bays and estuaries *not* characteristic of freshwater, the existing ammonia objectives contained in the 1994 Basin Plan shall remain in effect until the Regional Board determines the most appropriate objectives for these water bodies.

6. The Regional Board recognizes that the existing Basin Plan includes a provision that required compliance with existing Basin Plan ammonia objectives by June 13, 2002. While the amendment removes the 8-year compliance provision, it does so in recognition that the revised objectives are no more stringent, and in fact generally are less stringent, than the existing objectives. The removal of the 8-year compliance language will not result in an impact to dischargers because the Basin Plan amendment will not take effect, given the need for State Board, Office of Administrative Law, and US EPA review and approval, until after the expiration of the 8-year compliance language.

7. The amendment will revise Chapter 3 "Water Quality Objectives" of the Basin Plan and include implementation language.

8. The proposed amendment is based on acute and chronic toxicity data published since 1985.

9. Specifically, as a result of these revisions, the acute objective for ammonia is now dependent on pH and fish species, and the chronic objective is dependent on pH and temperature. At lower temperatures, the chronic objective is also dependent on the presence or absence of early life stages of fish (ELS).

10. For the cold water acute objective, the new objective is higher than the old objective except in the pH range of 7.25-8.25 where the temperature is between 0 and 15 degrees Celsius or 32 to 59 degrees Fahrenheit. For the warm water acute objective, the new objective is higher at all temperature and pH values.

11. The new chronic objectives for ammonia are higher than the objectives currently in the Basin Plan in all cases.

12. The proposed amendment provides implementation language to determine whether a water body is characteristic of freshwater, brackish water or saltwater to determine which objectives should be applied. Water bodies that are *not* characteristic of freshwater are defined as those in which the salinity is greater than 1 part per thousand 95% or more of the time.

13. Water bodies with a Basin Plan designation of "SPWN" support high quality aquatic habitats suitable for reproduction and early development of fish and, therefore, these water bodies are designated as Early Life Stage (ELS) present waters.

14. Where threatened or endangered species are present, the amendment requires that more stringent, site-specific modifications of the objectives be performed.

15. The proposed amendment utilizes methods similar to that contained in the Technical Support Document for Water Quality-based Toxics Control (US EPA 1991) and Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also known as the SIP) to translate the objectives contained in this proposed amendment into effluent limits in the absence of a TMDL.

16. The Regional Board has considered the costs of implementing the amendment, and other factors, as required by the California Water Code, section 13241.

17. The proposed amendment results in no or *de minimis* potential for adverse effect, either individually or cumulatively, on wildlife.

18. The regulatory action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).

19. The amendment is consistent with the State Antidegradation Policy (State Water Resources Control Board (SWRCB) Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).

20. The basin planning process has been certified as 'functionally equivalent' to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.).

21. Regional Board staff prepared a staff report dated February 4, 2002, describing the proposed amendment, and sent the staff report to all known interested persons to allow a 45-day public comment period in advance of the public hearing.

22. Regional Board staff prepared a revised staff report and amendment language in response to public comments on the February 4, 2002 notice, and sent the staff report to all known interested persons on March 22, 2002 to allow an additional 30-day comment period on the revisions in advance of the public hearing.

23. The Regional Board held a public hearing on April 25, 2002, for the purpose of receiving testimony on the proposed Basin Plan amendment. Notice of the public hearing was sent to all known interested persons and published inaccordance with California Water Code, section 13244.

24. At the April 25, 2002, Board meeting, the Regional Board narrowed the scope of the March 22, 2002, proposed action, so that the updated ammonia objectives would not apply to enclosed bays and estuaries that are *not* characteristic of freshwater. The April 25, 2002, narrowing provided that existing ammonia objectives would remain in effect for enclosed bays and estuaries that are *not* characteristic of freshwater.

25. In addition, the Regional Board directed staff to conduct further study of two related issues. The first issue is a review of the ammonia objectives for enclosed bays and estuaries that are *not* characteristic of freshwater, and the second issue is an evaluation of soft-bottom aquatic habitats to assess their suitability for early life stage (ELS) fish. If warranted, based upon further review, a Basin Plan amendment addressing these issues is to be presented for the Regional Board's consideration within one year after this action.

26. The Basin Plan amendment must be submitted for review and approval by the State Water Resources Control Board (State Board), Office of Administrative Law (OAL), and U.S. EPA. Once approved by the State Board, the amendment is submitted to OAL and U.S. EPA. The Basin Plan amendment will become effective for state law purposes upon approval by OAL. For purposes of federal law, the Basin Plan amendment will be effective upon approval by both OAL and U.S. EPA. A Notice of Decision will be filed.

THEREFORE, be it resolved that

1. Pursuant to sections 13240 and 13241 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to the Water Quality Control Plan for the Los Angeles Region, to amend the water quality objective for ammonia in inland surface waters (including enclosed bays, estuaries and wetlands) as set forth in Attachment A.

2. The Regional Board staff shall convene a technical advisory group to further investigate the most appropriate ways to identify ELS-present waterbodies and shall present the findings of this group to the Regional Board within one year after Regional Board adoption of this resolution.

3. The Regional Board shall bring another Basin Plan amendment before the Regional Board within one year after the adoption of this resolution to update the ammonia objectives for inland surface waters (i.e., enclosed bays and estuaries) that are *not* characteristic of freshwater.

4. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of section 13245 of the California Water Code.

5. The Regional Board requests that the State Board approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the U.S. EPA.

6. If during its approval process the State Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.

7. The Executive Officer is authorized to sign a Certificate of Fee Exemption.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on April 25, 2002.

Dennis A. Dickerson
Executive Officer

April 25, 2002
Date

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 2002-022
December 12, 2002

Amendment to the Water Quality Control Plan (Basin Plan) for the Los Angeles Region to Incorporate Implementation Provisions for the Region's Bacteria Objectives and to Incorporate a Wet-Weather Total Maximum Daily Load for Bacteria at Santa Monica Bay Beaches

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) to develop water quality standards which include beneficial use designations and criteria to protect beneficial uses for each water body found within its region.

2. The Regional Board carries out its CWA responsibilities through California's Porter-Cologne Water Quality Control Act and establishes water quality objectives designed to protect beneficial uses contained in the Water Quality Control Plan for the Los Angeles Region (Basin Plan).

3. Section 303(d) of the CWA requires states to identify and to prepare a list of water bodies that do not meet water quality standards and then to establish load and waste load allocations, or a total maximum daily load (TMDL), for each water body that will ensure attainment of water quality standards and then to incorporate those allocations into their water quality control plans.

4. Many of the beaches along Santa Monica Bay were listed on California's 1998 section 303(d) list, due to impairments for coliform or for beach closures associated with bacteria generally. The beaches appeared on the 303(d) list because the elevated bacteria and beach closures prevented full support of the beaches' designated use for water contact recreation (REC-1).

5. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999. This court order directs the USEPA to complete TMDLs for all the Los Angeles Region's impaired waters within 13 years. A schedule was established in the consent decree for the completion of 29 TMDLs within 7 years, including completion of a TMDL to reduce bacteria at Santa Monica Bay beaches by March 2002. The remaining TMDLs will be scheduled by Regional Board staff within the 13-year period.

6. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (e.g., USEPA, 1991). A TMDL is defined as "the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background" (40 CFR 130.2). Regulations further stipulate that TMDLs must be set at "levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations